

SUMMARY OF VIOLATIONS

On June 20-22, 2001, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: Lawrence Livermore National Laboratory

Facility Address: 7000 East Avenue, Livermore, California 94720

EPA ID Number: CA2890012584

County Name: Alameda County

As a result of that inspection, the violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations have reportedly been corrected. If you disagree with any of the violations or reported corrective actions listed in this *Summary* of Violations, you should inform DTSC. If you disagree with any of the violations listed in Section I, you must provide a written notice of disagreement. **DTSC** may reinspect this facility at any time.

DTSC will provide you a complete inspection report. You may request a meeting with DTSC to discuss the inspection or the findings of the report. The issuance of this summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations.

Authorized Company Representative

Name _____

Title _____

Signature _____

Date _____

Authorized State Agent

Name Michael R. James

Title Hazardous Substances Engineer

Signature _____

Date _____

SUMMARY OF VIOLATIONS

Facility Name: Lawrence Livermore National Laboratory **Date:** September 12, 2001

SECTION I: MINOR VIOLATIONS

1. Cal. Code Regs. Section 66262.34(a)- Storage of hazardous waste for greater than 90 days at a location that was not authorized for storage of hazardous waste by a permit, interim status or variance.

The 4/3/01 "HWM Receival date" and the 12/28/00 work place end date for 4 3 1383 which were observed on the container label on 6/21/01 were confirmed to be correct in the "Special Report" (see Evidence below). The "Special Report" reported that 4 3 1383 had three source containers and that only one of them had a work place end date more than 90 days prior to 4/3/01; source container Q57756 reportedly had a work place end date of 12/28/00. Accordingly, all of the hazardous waste items from Source Container Q57756 which were placed in Destination Container 4 3 1383 were reportedly in generator storage for 95 days.

Evidence:

"Special Report" Computer Printout of "Building 693 Labpack Container Information"

Witnesses: Mike James and Kathy Pandrea witnessed the label

Corrective Measures: This violation was corrected when the hazardous waste items from Source Container Q57756 which were placed in Destination Container Q31383 entered the permitted hazardous waste facility: 4/3/01.

SUMMARY OF VIOLATIONS

Facility Name: Lawrence Livermore National Laboratory Date: September 12, 2001

SECTION II: OTHER VIOLATIONS

List of violations and compliance actions not included in Section I: Minor Violations

1. Calif Health and Safety Code (H&S Code) Section 25189.2(b)/July 9, 1999 Permit Part IV, 11.(b)- Failure to mark each lab-packed container (lab-pack) with the earliest date of acceptance of any original hazardous waste container to be placed into the lab-pack

A survey described in a July 9, 2001 internal memorandum from Earl Thomas to the Permi and Regulatory Affairs Group found "...team leader determined that there were 143 lab packed, containers stored in the TSDF. Of the 143, **41 (or 29%) contained data entry errors... **Note: the 41 labels included the 16 cited by DTSC".

The "16 cited by DTSC" were the result of label observations at Building 693 by Mike James on 6/21/01. "Building 693 Labpack Container Information" reports from LLNL reported the correct TSDF Start Dates which should have been recorded as "HWM Receival" dates on the labels of these 16 containers. Comparison of the reportedly correct dates with the observed dates on the labels concluded that 15 of the 16 observed labels had incorrect "HWM Receival" dates on the labels. These 15 containers, with the observed dates and the reportedly correct dates are listed in the table below:

Summary of Violations

Facility Name: Lawrence Livermore National Laboratory Date: September 12, 2001

Continuation Sheet for SECTION II: OTHER VIOLATIONS

CONTAINER NUMBER	OBSERVED "HWM RECEIVAL DATE"	REPORTEDLY CORRECT DATE (TSDF START DATE)
463047	3/21/01	2/16/01
Q63059		2/23/01
Q62560	3/1/01	2/21/01
462488	3/1/01	2/2/01
Q62556	3/22/01	2/23/01
462629	3/1/01	2/01
	1/17/01	1
Q62565		1/16/01
		1
		1
Q64174	6/14/01	6/6/01
462482	3/1/01	1/16/01
Q63056	3/22/01	3/16/01
Q62605	2/13/01	12/21/00
	2/13/01	1

Evidence:

- a) Comprehensive Waste Management Report for Lab Pack #Q02020
- b) "Special Report" Computer Printout of "Building 693 Labpack Container Information"
- c) "July 9, 2001 Lab Pack Container Labels (Final DTSC Report)"

Witnesses: Mike James and Kathy Pandrea witnessed the labels

Summary of Violations

Facility Name: Lawrence Livermore National Laboratory

Date: September 12, 2001

Continuation Sheet for SECTION II: OTHER VIOLATIONS

Corrective Measures: These violations were corrected by 7/5/01. The July 9, 2001 internal memorandum from Earl Thomas to the Permits and Regulatory Affairs Group stated that all 49 labels had been corrected by 7/5/01. The memorandum further stated that "Remedial training, that included exercises based on both 'real' and fictitious examples...was completed on 7-05-01."

Unresolved Issue:

LLNL has not yet clarified the issue of whether any or all of the 41 total incorrect labels corresponded with incorrect "TSDF Start Date"s in the computerized data base during the inspection. Hazardous waste containers with incorrect "TSDF Start Date"s in the computerized data base would constitute operating records violations [Cal. Code Regs. Section 66264.73(b)(1)] in addition to the cited labeling violations.

2. Cal. Code Regs. Section 66264.73(b)(1)- Inaccurate storage date in the operating record

The 7/20/01 LLNL internal memorandum (Evidence below) states that Q61837 "was assigned an incorrect TSDF Start Date (3-14-01) by the TWMS database. The correct date is 02-23-01."

Evidence

a) July 20, 2001 internal memorandum from Earl Thomas to the Permits and Regulatory Affairs Group which is included in LLNL's approximately 115 page submittal received 7/25/01, Re: Information Request for 14 hazardous waste storage containers. (Note: Section #3/ Screen Dump Report for Q61837 could not be found in the original 7/25/01 submittal, so a faxed copy was included.)

Summary of Violations

Facility Name: Lawrence Livermore National Laboratory **Date:** September 12, 2001

Continuation Sheet for SECTION II: OTHER VIOLATIONS

Corrective Measures: **This** violation has been corrected. The July 20, 2001 internal memorandum (Evidence above) states that Q61837 was shipped prior to 7/20/01. **On** 7/26/01, **Mr.** Thomas sent a fax which concurred that the training discussed under "Corrective Measures" for violation 1 above should prevent recurrence of this type of violation.

Unresolved Issue:

Possible additional violations of Cal. Code Regs. Section 66264.73(b)(1) for as many as 41 additional containers have not been resolved (Discussed as an unresolved issue for violation no. 1 above). If resolution determines that less than six containers were in violation of Cal. Code Regs. Section 66264.73(b)(1), all of them will be classified as "minor" violations, i.e., in that case Q61837 will be reclassified as a "minor" violation in this Summary of Violations.